FILED
Jan-9 1998
Cathy A. Catterson,
Clerk, U.S.Court of
Appeals

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

WILLIAM A. KENT, aka
WILLIAM A. GOICHMAN,
on behalf of himself and a class
of all persons similarly situated,
Plaintiff-Appellant,
v.
W.C. KELLY, THOMAS FRAZIER,
Officer, DAVID MARSHALL;
HARRY GIEM SERVICE STATION

Defendants-Appellees.

No. 96-17295

D.C. No. CV-74=
01229-SW
ORDER

Before: HUG, Chief Judge, PREGERSON, and BEEZER, Circuit Judges.

The panel has voted to deny appellant's petition for rehearing and to reject the suggestion for rehearing en banc.

The full court has been advised of the suggestion for rehearing en banc and no active judges has requested a vote on whether to rehear the matter en banc. Fed.R.App.P. 35.

The petition for rehearing is DENIED and the suggestion for rehearing en banc is REJECTED.